

85<sup>th</sup> Legislative Session – 2010

Committee: House Health and Human Services

Tuesday, February 09, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Blake  
P Boomgarden  
P Conzet  
P Curd  
E Iron Cloud III  
P Jensen  
P Lucas  
E Moser  
P Nygaard  
P Rave, Vice-Chair  
P Romkema  
P Vanderlinde  
P Pitts, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Pitts.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 2, 2010

Moved by: Rave  
Second by: Nygaard  
Action: Prevailed by voice vote.

HB 1203: provide for the regulation of acupuncturists.

Presented by: Representative Kristi Noem  
Proponents: Kayte Halstead, Rapid City  
Mary Maisey-Ireland, Rapid City  
Adam Graves, Watertown

Colleen Ragan, Rapid City  
Mina Larson, NCCAOM (Handout: 1)  
Kobi Ebert, Rapid City  
Opponents: Margaret Hansen, Department of Health/SD Board of Medical Examiners  
Roger Shewmake, Sioux Falls (Handout: 2)  
Tim Dougherty, SD Physical Therapy Association  
Jim Hood, SD Chiropractor's Association  
Dave Gerdes, SD State Medical Association

MOTION: AMEND HB 1203

1203jb

On page 5, line 17, of the printed bill, delete "and".

On page 5, between lines 17 and 18, insert:

"

(3) Physical therapists licensed pursuant to chapter 36-10; and".

On page 5, line 18, delete "(3)" and insert "(4)".

Moved by: Boomgarden  
Second by: Rave  
Action: Prevailed by voice vote.

MOTION: AMEND HB 1203

1203jc

On page 4, line 7, of the printed bill, delete "Three" and insert "Four".

On page 4, line 7, after ", " insert "and".

On page 4, line 8, delete everything after "acupuncture" and insert ".".

On page 4, line 9, delete everything before "Each" .

Moved by: Nygaard  
Second by: Jensen

Action: Prevailed by voice vote.

MOTION: DEFER HB 1203 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Boomgarden

Second by: Lucas

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1203 AS AMENDED

Moved by: Nygaard

Second by: Jensen

Action: Failed by roll call vote. (2-9-2-0)

Voting Yes: Jensen, Nygaard

Voting No: Blake, Boomgarden, Conzet, Curd, Lucas, Rave, Romkema, Vanderlinde, Pitts

Excused: Iron Cloud III, Moser

THE MOTION TO DEFER HB 1203 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Boomgarden

Second by: Lucas

Action: PREVAILED BY ROLL CALL VOTE. (9-2-2-0)

Voting Yes: Blake, Boomgarden, Conzet, Curd, Lucas, Rave, Romkema, Vanderlinde, Pitts

Voting No: Jensen, Nygaard

Excused: Iron Cloud III, Moser

HB 1183: authorize birth centers to operate in the state.

Presented by: Representative Phil Jensen (Handouts: 3, 4)

Proponents: Sara Coulter-Danner, Hotsprings (Handouts: 5, 6, 7)  
Doneen Hollingsworth, Department of Health  
Luke Temple, Dakota Rural Action  
Mandy Hagseth, SD Advocacy Network of Women  
Debbie Pease, SD Safe Childbirth Options INC.  
Deb Fischer Clemens, Avera Health  
Rebekah Craddock, SDAHO, Sioux Falls

Dean Krogman, SD State Medical Association  
Brittany Novotny, SD Nurses Association

MOTION: AMEND HB 1183

1183ja

On page 1, line 3, of the printed bill, delete "Notwithstanding § 34-12-7, any" and insert "Any".

On page 1, line 5, after "Centers" insert ", and is licensed by the state in accordance with chapter 34-12,".

On page 1, after line 6, insert:

" Section 2. That § 34-12-1.1 be amended to read as follows:

34-12-1.1. Terms used in this chapter mean:

- (1) "Ambulatory surgery center," any facility which is not part of a hospital and which is not an office of a dentist, whether for individual or group practice, in which surgical procedures requiring the use of general anesthesia are performed upon patients;
- (2) "Assisted living center," any institution, rest home, boarding home, place, building, or agency which is maintained and operated to provide personal care and services which meet some need beyond basic provision of food, shelter, and laundry;
- (3) "Chemical dependency treatment facility," any facility which provides a structured inpatient treatment program for alcoholism or drug abuse;
- (4) "Health care facility," any institution, sanitarium, maternity home, birth center, ambulatory surgery center, chemical dependency treatment facility, hospital, nursing facility, assisted living center, rural primary care hospital, adult foster care home, inpatient hospice, residential hospice, place, building, or agency in which any accommodation is maintained, furnished, or offered for the hospitalization, nursing care, or supervised care of the sick or injured;
- (5) "Hospital," any establishment with an organized medical staff with permanent facilities that include inpatient beds and is primarily engaged in providing by or under the supervision of physicians, to inpatients, any of the following services: diagnostic or therapeutic services for the medical diagnosis, treatment, or care of injured, disabled, or sick persons; obstetrical services including the care of the newborn; or rehabilitation services for injured, disabled, or sick persons. In no event may the inpatient beds include nursing facility beds or assisted living center beds unless the same are licensed as such pursuant to this chapter;
- (6) "Maternity home," any institution, place, building, or agency in which, within a period of six months, more than one woman, during pregnancy, or during or after delivery, except

women related by blood or marriage, are kept for care or treatment; or which has in its custody or control at any one time, two or more infants under the age of two years, unattended by parents or guardians, for the purpose of providing them with care, food, and lodging, except infants related to the one having such custody or control by blood or marriage;

- (7) "Nursing facility," any facility which is maintained and operated for the express or implied purpose of providing care to one or more persons whether for consideration or not, who are not acutely ill but require nursing care and related medical services of such complexity as to require professional nursing care under the direction of a physician on a twenty-four hour per day basis; or a facility which is maintained and operated for the express or implied purpose of providing care to one or more persons, whether for consideration or not, who do not require the degree of care and treatment which a hospital is designed to provide, but who because of their mental or physical condition require medical care and health services which can be made available to them only through institutional facilities;
- (8) "Critical access hospital," any nonprofit or public hospital providing emergency care on a twenty-four hour basis located in a rural area which has limited acute inpatient services, focusing on primary and preventive care, and which has in effect an agreement with a general hospital that provides emergency and medical backup services and accepts patient referrals from the critical access hospital. For the purposes of this subdivision, a rural area is any municipality of under fifty thousand population;
- (9) "Adult foster care home," a family-style residence which provides supervision of personal care, health services, and household services for no more than four aged, blind, physically disabled, developmentally disabled, or socially-emotionally disabled adults;
- (10) "Inpatient hospice," any facility which is not part of a hospital or nursing home which is maintained and operated for the express or implied purpose of providing all levels of hospice care to terminally ill individuals on a twenty-four hour per day basis; ~~and~~
- (11) "Residential hospice," any facility which is not part of a hospital or nursing home which is maintained and operated for the express or implied purpose of providing custodial care to terminally ill individuals on a twenty-four hour per day basis;
- (12) Birth center," a homelike facility existing within a health care system with a program of care designed in the wellness model of pregnancy and birth that provides family-centered care for healthy women before, during, and after normal pregnancy, labor, and birth."

Moved by: Rave  
Second by: Nygaard  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1183 AS AMENDED

Moved by: Nygaard  
Second by: Romkema  
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Blake, Boomgarden, Conzet, Curd, Jensen, Lucas, Nygaard, Rave, Romkema, Vanderlinde, Pitts

Excused: Iron Cloud III, Moser

HB 1204: authorize reasonable suspicion testing and prohibit the use of controlled substances by welfare recipients.

Presented by: Representative Phil Jensen  
Opponents: Deb Bowman, Department of Social Services  
Emmett Reistroffer, Sioux Falls  
Terrance Dosch, SD Council of Mental Health Centers  
Dave Gerdes, SD State Medical Association

MOTION: TO TABLE HB 1204

Moved by: Curd  
Second by: Rave  
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Blake, Boomgarden, Conzet, Curd, Jensen, Lucas, Nygaard, Rave, Romkema, Vanderlinde, Pitts

Excused: Iron Cloud III, Moser

MOTION: ADJOURN

Moved by: Curd  
Second by: Rave  
Action: Prevailed by voice vote.

Joshua Klumb  
Committee Secretary

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Carol A. Pitts, Chair